

645—10.13(17A,22) Availability of records.

10.13(1) General. Board records are open for public inspection and copying unless otherwise provided by rule or law.

10.13(2) Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. All information in complaint and investigation files maintained by the board, or peer review committee acting under the authorization of the board, for purposes of licensee discipline is confidential in accordance with Iowa Code section 272C.6(4), except that the information may be released to the licensee once a licensee disciplinary proceeding has been initiated by the filing of formal charges and a notice of hearing.

b. The record of a disciplinary hearing which is closed to the public pursuant to Iowa Code section 272C.6(1) is confidential under Iowa Code section 21.5(4). However, in the event a record is transmitted to the district court pursuant to Iowa Code section 17A.19(6) for purposes of judicial review, the record shall not be considered confidential unless the district court so orders.

c. Criminal history or prior misconduct of an applicant for licensure, pursuant to Iowa Code section 147.21(1).

d. Information relating to the contents of an examination for licensure, pursuant to Iowa Code section 147.21(2).

e. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination pursuant to Iowa Code section 147.2(3).

f. Minutes and tape recordings of portions of board meetings held in closed sessions, pursuant to Iowa Code section 21.5(4).

g. Records which are exempt from disclosure under Iowa Code section 22.7.

h. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) “*d.*”

i. Those portions of board staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by board staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the board. (All under Iowa Code sections 17A.2 and 17A.3)

j. Information in nonlicensee and investigation files maintained by the board which are otherwise exempt from disclosure under Iowa Code section 22.7 or other provisions of the law.

k. Records made confidential under any other provision of law.

10.13(3) Authority to release confidential records. The agency may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited discretionary disclosure as provided in rule 10.4(17A,22). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in subrule 10.4(3).